

Montrose Settlements Restoration Program Trustee Council
Meeting Summary
April 23, 2003
Long Beach, California
9:00 a.m.

Attendance

The following primary and alternate Trustee Council members were present:

William Conner	NOAA
Jennifer Boyce	NOAA
Daniel Welsh	U.S. Fish & Wildlife Service
Andy Yuen	U.S. Fish & Wildlife Service
Patty Velez	California Department of Fish & Game
Jonathan Clark	State Lands Commission
Suzanne Goode	California Department of Parks & Recreation
Kate Faulkner	National Park Service

Also in attendance were Pam Castens – MSRP Program Manager, Kolleen Bannon – NOAA Legal Representative, Chris Doley - NMFS Restoration Center, John Cubit – NOAA Damage Assessment, and Anne Hoecker – U.S. Fish and Wildlife Service. Karen Green of MEC attended morning session, Katherine Pease of NOAA General Counsel's office presented in the afternoon. Meeting minutes by Trina Heard – NOAA General Counsel.

Trustee Council Chair, William Conner, opened the meeting with review of agenda. Followed by an update of MSRP activities since last TC meeting by Pam Castens, Anne Hoecker and John Cubit.

Restoration Plan Development – Request for RP ideas and submissions were mailed out to MSRP interested party list. Request for submissions were also placed on the Montrose website

Angler Update Study –

Fish Sampling Effort –

Bald Eagle Program Activities –

Outreach and Education Activities – Several technical and public workshops were held in January and February. MSRP representatives attended UCLA Career day and Cabrillo Sea Fair. MSRP staff will be attending several Earth Day activities in the Los Angeles area. MSRP promotional items were designed and obtained for distribution to the public. The MSRP comic book draft was completed and will be distributed to a small testing audience for review/comments.

Staffing Update – Pam Castens announced the hiring of an Outreach & Education person, Samantha Whalen. Ms. Whalen's CV was passed out to council members. Target date for Ms. Whalen to come onboard is mid-May. The fish position currently is being advertised and will close May 2, 2003.

Council Members were issued copies of the Preliminary Draft Restoration Plan and Programmatic EIS/EIR prepared by MEC Analytical Systems, Inc. Pam and Annie presented an overview of the contents of the Restoration Plan to date, highlighting items of interest. **The council agreed to a 60-day review/comment period.** Pam Castens asked the council how to proceed with the completion of the Draft RP/EIS/EIR. **The council agreed to discuss and decide on the issue of contracting out the work or completing it in-house on the conference call scheduled in 30 days.** Trustee council conference call is scheduled for May 27, 2003 at 9am PDT. Council member comments should be to Pam Castens by June 23, 2003. After the lunch break, Pam and Annie presented the proposed program schedule for the remainder of budget year 2003 and beyond. The next MSRP Trustee Council meeting is scheduled for July 2, 2003 in Long Beach, California.

Pam asked the Council to decide on what State and Federal agencies will act as lead agencies for administrative purposes. The Council will decide on next month's conference call whether one Federal agency will represent all three Federal agencies or will each agency represent itself.

Fund Allocations/Cost Report

Katherine Pease presented a cost assessment report. The past damage assessment costs total \$36,301,137.61. *The May 23, 2001 guidelines for the reimbursement of past assessment costs, adopted by the Trustees, provide that past assessment costs be capped at \$35 million. The final report will be completed and presented to the Council within 30 days. The Council will decide on next month's conference call how to apportion the difference among the agencies that have a remaining balance. State Parks has 30 days to submit any damage assessment costs to the cost group.

Dan Welsh would like to see F&WS cost reimbursement before the end of the fiscal year, preferably no later than July. He asked to review NOAA's cost summaries (everything after 1999). Katherine Pease will put together package and forward to him. Dan Welsh asked for approval of amount to reimburse F&WS. **Council agreed to approve DOI cost package without further documentation for a total of 4,752,095.00. DOI/F&WS to determine how that money is divided. The Council discussed whether to approve a partial allocation to DOI now, but agreed to defer that decision until the May 27 conference call.**

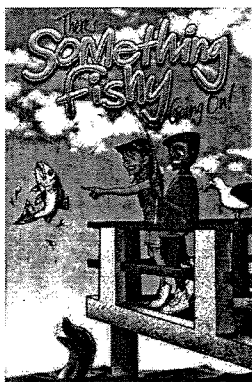
** This figure will be slightly revised based on minor changes related to NOAA's Supplemental Cost Package.*

*Attachments: Agenda
Program Schedule*

AGENDA
MSRP TRUSTEE COUNCIL MEETING
April 23, 2003
Long Beach Federal Building
501 W. Ocean Blvd. Room

- | | |
|---|----------------|
| 1. Review of Agenda (Bill) | 9:30-9:35 |
| 2. MSRP Activities since October TC meeting (Pam/Annie/John) | 9:35-10:30 |
| a. Restoration Plan Development | |
| b. Angler update study | |
| c. Fish Sampling Effort | |
| d. Bald Eagle Program activities | |
| e. Outreach and Education activities | |
| f. Staffing Update | |
| 2. Presentation of Preliminary Planning Report (Pam, Annie)
(COPIES DISTRIBUTED) | 10:30-12:00 |
| LUNCH | 12:00-1:00 |
| 3. Presentation of Program Schedule, Staff Recommendation on
Plan | 1:30-2:00 |
| 4. Report from Cost Group (Kolleen, Dan, Katherine) | 2:00-2:45 |
| Past assessment costs | |
| Approval of FWS costs | |
| Approval of F&G cost | |
| Status of NOAA costs | |
| Schedule and approach for final reimbursements | |
| 5. Schedule Next Meeting | 2:45-2:50 |
| 6. Executive Session (Council reps only) | 2:50-3:00/3:30 |
| 7. Adjourn | 3:00/3:30 |

There's Something Fishy Going On!



Educators
Please help us
evaluate
this booklet!

Dear Educator,

This is the first printing of the booklet "There's Something Fishy Going On!" This is a pilot project, and we would appreciate your help in evaluating and improving it.

This booklet is meant to educate people of all ages about chemical contaminants in the ocean along the coast near Los Angeles. Our main target audience is children in primary school. The booklet is meant to be a teaching tool—something educators can use in a curriculum to teach children useful information about pollution and the ocean environment here in Los Angeles.

If teachers think it is worthwhile, we would like to distribute this booklet to children in L.A. area schools so they can read it and then take it home for the rest of their family to read.

Did you know?

- **Parts of the ocean near Los Angeles are contaminated with chemicals called "DDTs" and "PCBs"?**
- **These chemicals contaminate some of the common fish that people catch and eat?**
- **Do you know that these chemicals can be harmful to people and wildlife?**
- **There are simple ways to avoid the contaminated fish, and you can prepare fish in ways to help protect yourself from these chemicals?**

Information in this booklet

This booklet explains how DDTs and PCBs have polluted our local ocean, how these chemicals have harmed wildlife, and how you can avoid these contaminants in the fish you eat.

Here is a list of the information items in this booklet:

1. *Description of the DDT and PCB contamination problem in the ocean near Los Angeles.*
2. *What are DDTs and PCBs?*
3. *Where did these toxic chemicals come from?*
4. *How do fish become contaminated?*
5. *What fish are contaminated?*
6. *What fishing locations have contaminated fish?*
7. *What are the effects on wildlife that eat fish?*
8. *How can people avoid contaminated fish?*
9. *How can you clean and cook fish to reduce contamination?*

We want your comments on this booklet!

Please let us know what you think! You are the first educators to see this booklet, and we would like to know how you and your students liked it. We would like to know your overall impression. In addition, your specific comments would help us. For example, we are interested to know if the booklet is too technical and if you found language that is too difficult to understand. As other examples, we would like to know about the parts of the booklet that you liked, the parts you did not like, and what parts of the booklet we should improve and how you think we could we improve them.

How to contact us

Please email us at MSRP@noaa.gov
or send mail to MSRP, Suite 4470,
501 W. Ocean Blvd.
Long Beach, CA 90802

We appreciate your help!

BUDGET ELEMENT	DATE	MSRP BUDGET YEAR 2003 SCHEDULE: TASK
BALD EAGLE RELEASES	April 29	Meeting with SF Zoo re: breeding success, Alaska contingency
	Mar-Apr 2003	Foster chicks on Catalina
	May-July 2003	Transport 8-wk old eagles to Santa Cruz
	June-Sep 2003	Release juveniles on Santa Cruz
Bald Eagle DDT/PCB Analysis	May 2003	FWS lab selection
	July 2003	Send samples to lab (2001-2003 eggs, blood/fish/pig)
	Jan 2004	Draft report from lab
	Apr 2004	Final report from lab
	May 2004	FWS report to TC
M. Mammal Carcass Monitoring	April 2003	IWS receives permit from NMFS
	May 2003	Initiate carcass surveys
	Nov 2003	Send mammal samples to lab
	May 2004	Draft report from lab
	July 2004	Final report from lab
	Aug 2004	FWS report to TC
Stable Isotope Analysis	April 2003	FWS lab selection
	July 2003	Send samples to lab (Catalina eggs, adult blood, zoo eggs)
	Nov 2003	Draft report from lab
	Feb 2004	Final report from lab
	Mar 2004	FWS report to TC
	April 2003	Cooperative Agreement modified
	April 2003	Zoo to hire architect
	Late June 2003	Initiate construction on ACC capital improvements
Santa Barbara Museum ID	Feb 2003	NPS finalized contract
	Aug 2003	Final report due
Angler Update	May-Sept 2003	Conduct Phase 2 sampling

[illegible]

***MSRP Trustee
Council Meeting
April 23, 2003***

Agenda

- MSRP Activities since Oct. TC Meeting
- Presentation of PPR
- Lunch
- Presentation of Program Schedule
- Report from Cost Group
- Schedule Next Meeting
- Executive Session

Restoration Plan Development

- Sept 2002: MEC kick-off meeting
- Oct-Dec 2002: Report outline/team meetings on data sources
- Oct-Dec 2002: Development of draft MSRP goals and objectives, screening and evaluation criteria
- Dec 2002: Preparation for RP Workshops

Restoration Planning Workshops

- Bird Technical Workshop: Jan 9, 2003
- Fish Technical Workshop: Jan 22, 2003
- Public Workshops (2): Jan 27, 2003

Bird Technical Workshop

- Held at Sacramento FWS office
- 17 attendees outside MSRP staff, including CDFG, UC Davis, UC Santa Cruz, PRBO, Ventana Wilderness Society, Moss Landing, IWS, Humboldt State, EPA

Fish Technical Workshop

- Held at Long Beach Federal Building
- 25 attendees outside MSRP staff, including CDFG, UC Davis, UCLA, Heal the Bay, United Anglers, SCCWRP, LACSD, SMBRP, EPA

Public Workshops

- Held at Cabrillo Aquarium
- 2 sessions (afternoon, evening)
- 32 attendees outside MSRP staff, including CDFG, Cabrillo Aquarium, California Conservation Corps, Coastal Conservancy, Palos Verdes Land Conservancy, SCCWRP, LACSD, SMBRP, Audubon Society, San Pedro Homeowners Assoc., local residents

Follow-up Meetings

- Wilmington Coalition for a Cleaner Environment
- California Conservation Corps
- Marine Mammal Science Center
- International Oiled Bird Rescue Center
- Hubbs-Seaworld

Restoration Plan Development

- Feb-Mar 2003: Weekly team meetings on PPR
- Feb-Mar 2003: Generation of GIS database and maps
- Mar 2003: Mailed out solicitation for restoration project ideas
- Mar-Apr 2003: Iterative internal review of PPR draft sections

Additional Activities

- Feb 4, 2003: Bight '03 Meeting
- Feb 5, 2003: CSTAG Presentation
- Feb 6, 2003: Seabird Coordination Meeting
- Feb 24, 2003: Meeting w/ EPA at USGS
- Feb 25-26, 2003: Media Training

Additional Activities

- Mar 5, 2003: UCLA Career Day
- Mar 18, 2003: Seafood Contamination Taskforce
- Mar 19, 2003: EPA EcoRisk Meeting
- Apr 7, 2003: NOAA Habitat Evaluation Workshop
- Apr 10, 2003: 1st quarter expenditure report to EPA

Angler Update Study

- Oct 6, 2002: Phase I data completed
- Phase I data cross-tabulated for lessons learned
- Mar 18, 2003: Phase I data presented to SCTF
- Conference calls regarding Phase II survey design

Angler Update Study

- **Memorial Day 2003: Phase II kick-off**
- **Potential spin-off targeting specific ethnic groups**

Fish Sampling Effort

- **Nov 2002: Fall season fish collection completed**
- **Dec 2002: Lab competition/evaluation**
- **Jan 2003: Lab selected (pending performance evaluation)**
- **Apr 2003: Contract awarded to Battelle**
- **Apr 2003: QAPP finalized, labwork initiated**

Bald Eagle Program- SF Zoo

- **Feb 5, 2003: 1st SF Zoo bald eagle egg laid**
- **Feb 24, 2003: Meeting with SF Zoo to discuss status of nesting and concerns**
- **Mar 17, 2003: Incident at ACC resulting in injury to female, death of male (BE19)**
- **Mar 18, 2003: 1st hatch at Zoo, SF Chronicle sent local photographer to cover story, chick named "Hope"**

Catalina Island

- **Feb 15, 2003: First egg laid in West End nest**
- **Feb-Mar, 2003: Total of 8 eggs laid at West End, Pinnacle Rock, Twin Rocks, Seal Rocks, and Two Harbors. All 8 Catalina eggs were fertile, only 1 hatched**
- **1st year of five pairs attempting to breed on Catalina. Newest pair are 5 and 6 years old**

Catalina Island

- Mar 28, 2003: 1st chick fostered into Pinnacle Rock (PR) nest
- PR chick later found entangled and injured by fishing line. Underwent surgery and is currently recovering
- Chicks have since been fostered into West End, Seal Rocks, and Isthmus without incident

Catalina Island

- Total of 4 chicks fostered onto Catalina
- Seal Rocks chick had surgery; died several days later of complications

Current Status

As of 4/21/03:

- Total of 31 eggs laid (23 by Zoo birds, 8 by Catalina birds)
- 9 eggs have hatched (8 Zoo, 1 Seal Rocks)
- Multiple eggs have died at Zoo 2-3 days before hatching

Current Status

- 2 chicks are with adults at Zoo, waiting to go to Santa Cruz
- 2 eggs are still pending at Zoo
- Best case: Total of 8 chicks from Zoo
- Alaska

Northern Channel Islands

- Of 12 eagles released in summer 2002, 8 are still known to be alive
- 5 are on Santa Cruz
- 1 is on Santa Rosa
- 1 is on West Anacapa
- 1 at Lake Crowley in Mono County, CA
- Eagle at Lake Crowley was one in Nevada, Utah, and Wyoming

Next Steps

1 pm
②
Apr 29, 2003: Meeting at SF Zoo to discuss:

- Current status of birds
- Plans for release onto Santa Cruz
- Alaska contingency
- Contaminant analysis
- Marine mammal monitoring

Outreach & Education

- Oct 20, 2002: Cabrillo Seafair
- Feb 24, 2003: Meeting with SF Zoo to discuss outreach plan
- Mar 2003: Updated electronic mailing list
- Mar-Apr 2003: Developed promotional materials (magnets, pen/pencils, fish ID cards, display boards)

Outreach & Education

- Apr 22, 2003: Produced pilot version of comic book
- Updated MSRP website
- Upcoming events in April: Earth Day at Long Beach Aquarium and Cabrillo Aquarium; in May: Pacific Islander Festival

Staffing Update

ORISE Outreach Specialist

- 70 applicants, 5 interviewed
- Apr 15, 2003: position offered and accepted by Samantha Whalen
- Start date: Mid-May 2003

Staffing Update

ORISE Fish Biologist

- Meeting held with CDFG
- Position open: Mar 2-May 2
- As of Apr 22, 2003: 33 applications received
- Potential start date: Mid-June 2003

Presentation of Preliminary Planning Report

Please keep in mind.....

- ❖ PPR covers initial sections of RP through Affected Environment and development of project ideas
- ❖ This document will serve as a Programmatic EIS/EIR for extremely large study area
- ❖ Volume 1 to contain RP Report/EIS/EIR, Volume 2 to contain technical appendices

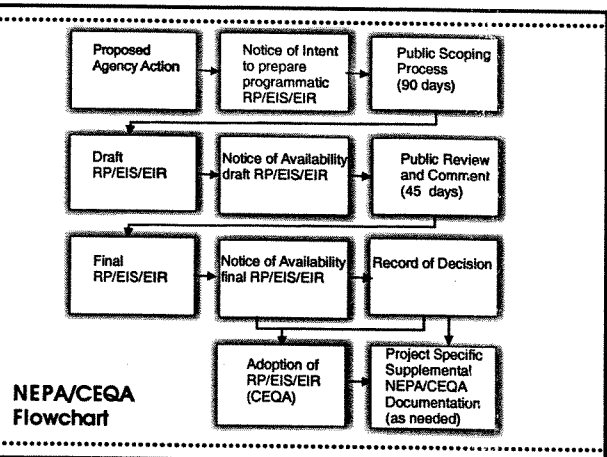
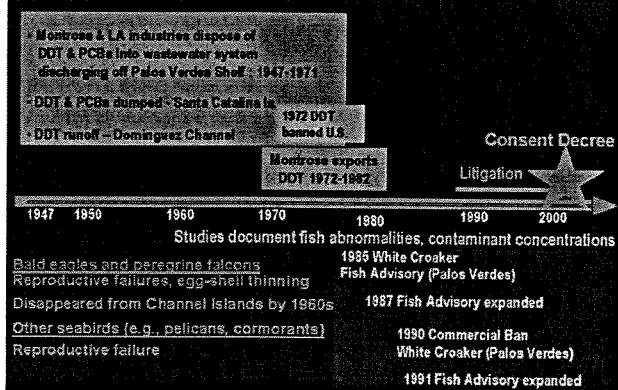
Please keep in mind.....

- ❖ Currently single-sided, final draft will be double-sided
- ❖ For public review, document will be available on CD (i.e., cheaper)

Section 1: Introduction

- ❖ Purpose, Need and Proposed Action
- ❖ Natural Resources Trustees
- ❖ Regulatory Authority
- ❖ Study Area
- ❖ Document Organization

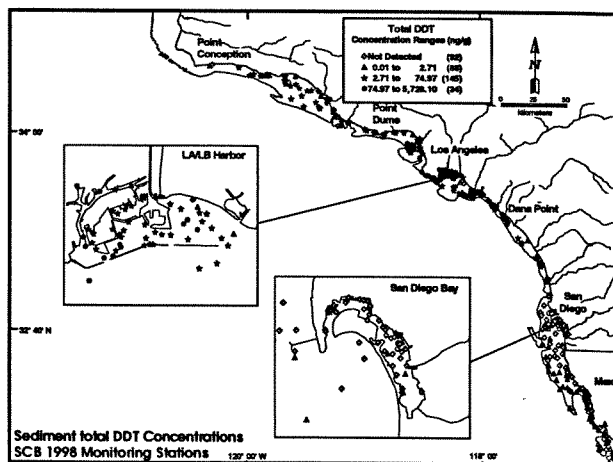
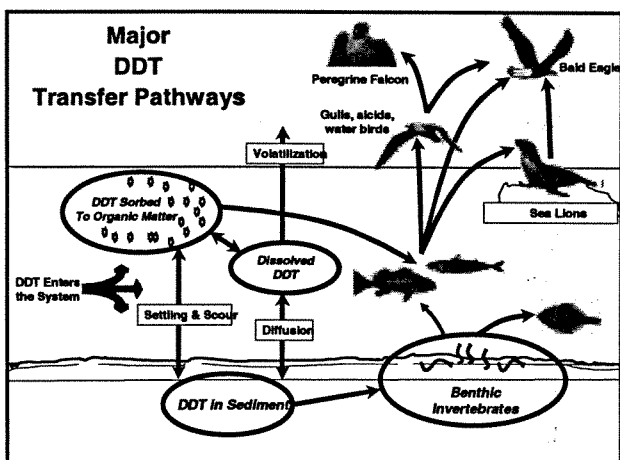
Historic Timeline – Injury

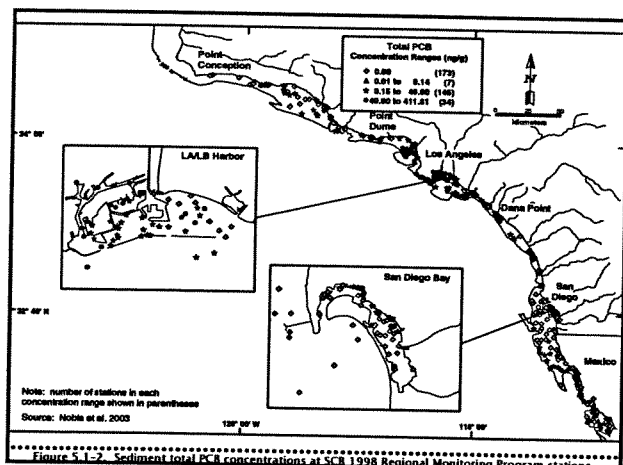




Chapter 2: Case History

- ❖ Background on DDTs and PCBs discharges
- ❖ Overview of Contaminants and Pathways of Contamination
- ❖ Contaminant Concentrations and Distribution
- ❖ Overview of Litigation
- ❖ Overview of Post-Settlement DDT & PCB Contamination



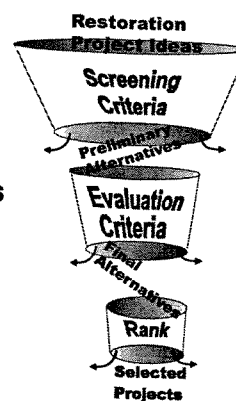


Appendix B: pg. B-5 Summary of Litigation Settlement Agreements?

Section 3: Restoration Planning Process

- ◆ Trustee Council
- ◆ MSRP and EPA Coordination
- ◆ Public Involvement Process
- ◆ Restoration Planning
- ◆ MSRP Goals and Objectives
- ◆ Compilation of Baseline Information
- ◆ Restoration Project Ideas and Alternatives
- ◆ Screening, Evaluation, and Ranking Criteria
- ◆ Technical Assumptions Re Future DDTs/PCBs Contaminant Distribution
- ◆ Regulatory Environment

- ◆ Tiered Approach
- ◆ Screen Concepts
- ◆ Evaluate Alternatives
- ◆ Rank Projects
- ◆ Implementation



Draft MSRP Goals

- 1) Restore, replace, rehabilitate, and/or acquire the equivalent of the natural resources injured and services lost as result of Montrose et al. releases of DDTs and PCBs
- 2) Administer settlement funds to the maximum benefit of natural resources
- 3) Inform and engage the public throughout program implementation

Draft MSRP Objectives

- ❖ Restore bald eagle population w/in SCB
- ❖ Restore peregrine falcon population w/in SCB
- ❖ Restore injured seabird populations w/in SCB
- ❖ Restore recreational & subsistence fishing opportunities w/in SCB
- ❖ Increase public awareness of fish contamination issues w/in SCB

Draft MSRP Objectives

- ❖ Obtain/solicit input and feedback from public in development & implementation of RP
- ❖ Promote public participation during implementation of restoration projects
- ❖ Maximize efficient use of regional partnerships
- ❖ Minimize administrative operating costs of program

Restoration Concept Categories

- ❖ Cleaner Food Resource Programs
- ❖ Reintroduction/Attraction Programs
- ❖ Artificial Incubation/Hatchery Programs
- ❖ Habitat Enhancement/Restoration Programs
- ❖ Habitat Creation Programs
- ❖ Resource Management Programs
- ❖ Outreach and Education Programs

Screening Criteria

- ❖ Nexus to Injured or Equivalent Resources
- ❖ Geographic Location
- ❖ Duplicate Funding
- ❖ Legality

Tier 1 Evaluation Criteria

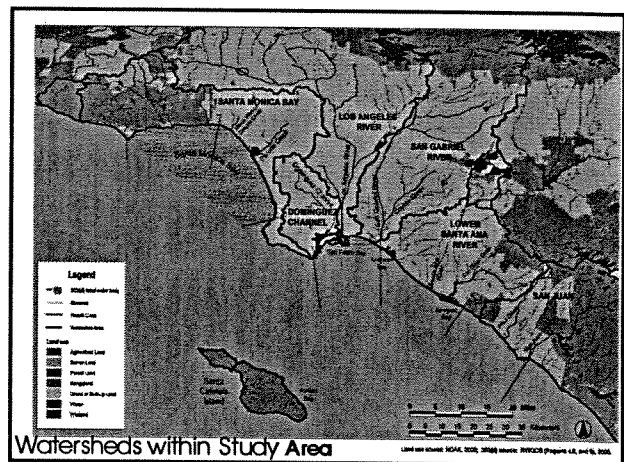
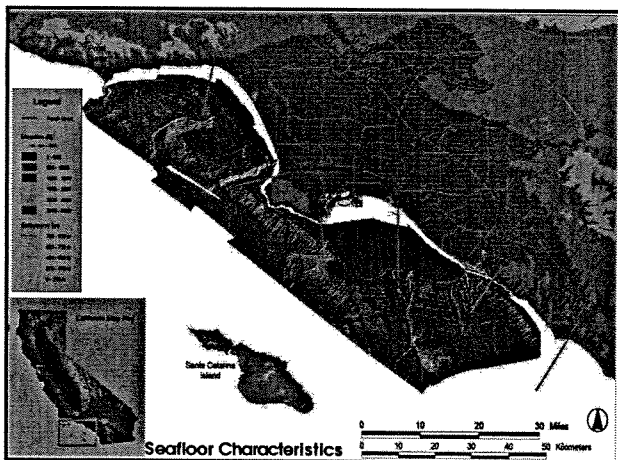
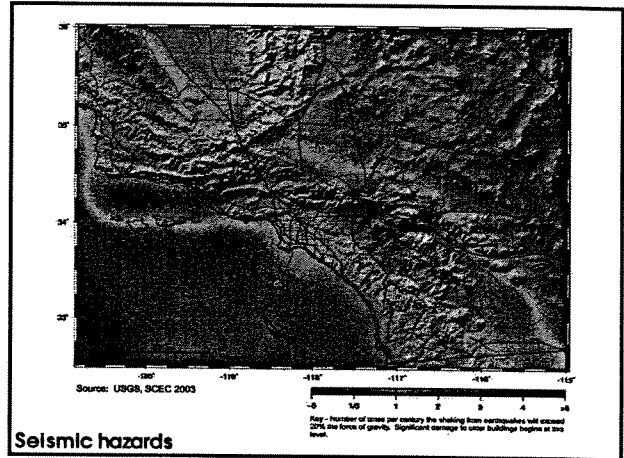
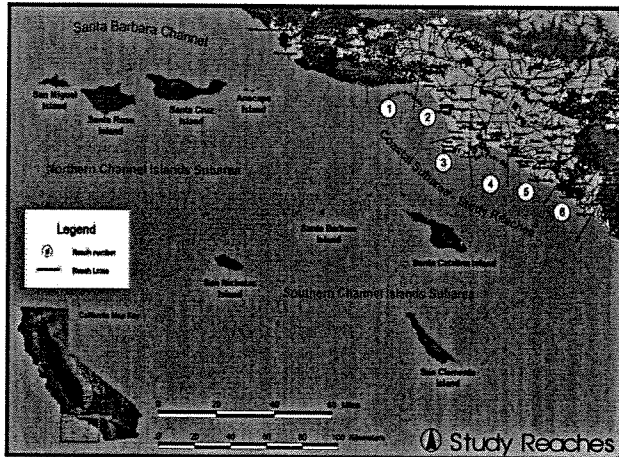
- ❖ Degree of Nexus
- ❖ Technical Feasibility
- ❖ Duration of Benefit
- ❖ Likelihood of Success
- ❖ Public Health and Safety

Tier 2 Evaluation Criteria

- ❖ Degree of Nexus
- ❖ Cost Effectiveness
- ❖ Environmental Acceptability
- ❖ Level of Benefit
- ❖ Multiple Resource Benefits
- ❖ Opportunities for Collaboration

Section 4: Affected Environment

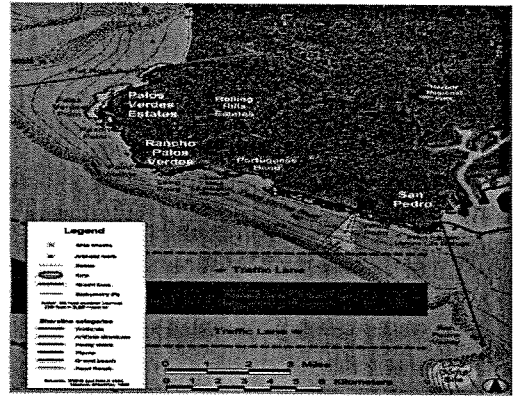
- Geology/Earth Resources
(Topography, sediments, seismicity)
- Oceanographic and Coastal
Processes (Bathymetry, currents/tides,
sediment transport, upwelling)
- Watershed and Coastal Water Quality



Section 4: Affected Environment

Biological Resources

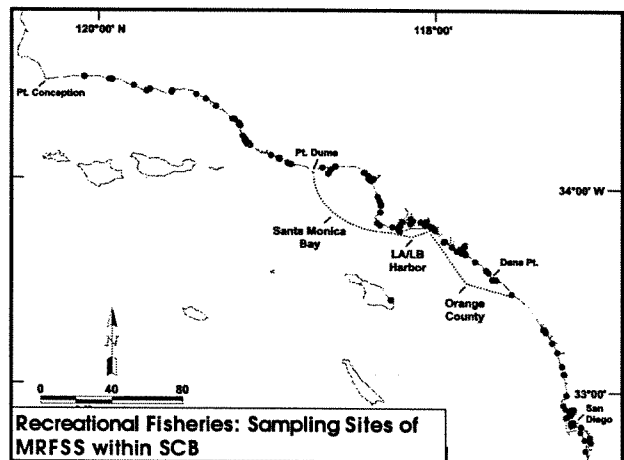
- Coastal Marine Habitats
- Bays and Harbors
- Coastal Wetlands
- Channel Islands
- Recreational Fisheries
- Birds
- Marine Mammals
- Threatened and Endangered Species



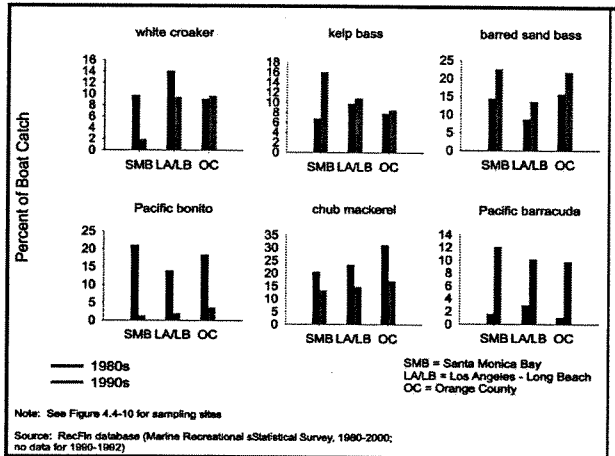
Coastal Marine Habitats Features of Coastal Reach 3

Coastal Wetlands

- Size
- Tidal Influence
- Water Quality
- Pressures
- Restoration Activities



Recreational Fisheries: Sampling Sites of MRFSS within SCB

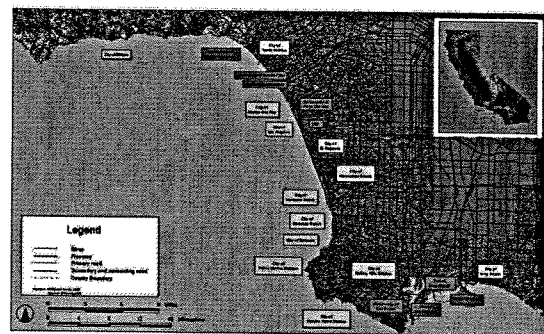


Birds, Marine Mammals, T&E

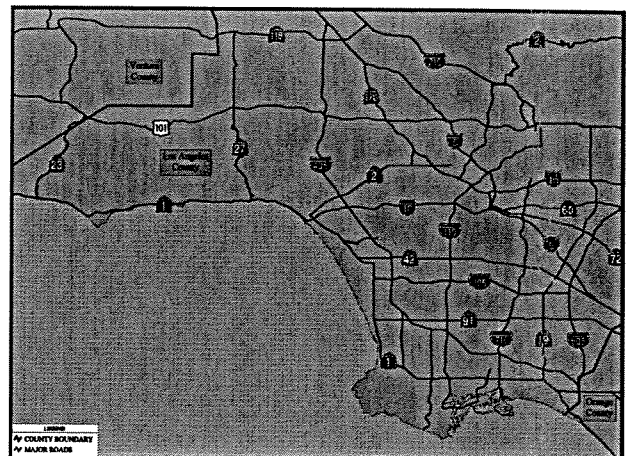
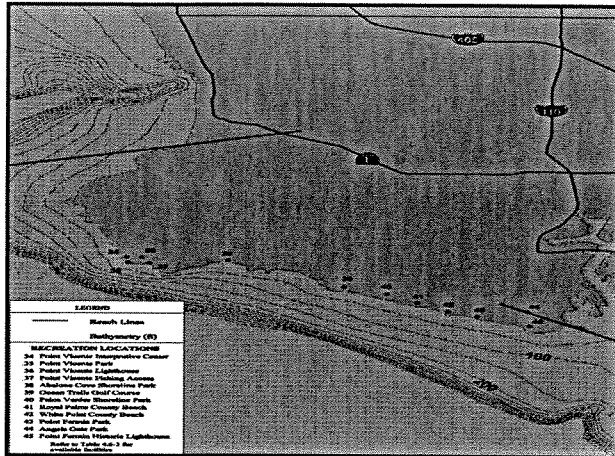
- Life history
- Status in SCB
- Status on Channel Islands
- Breeding colonies in SCB

Section 4: Affected Environment

- Land use
- Recreation
- Aesthetics and Visual Resources
- Transportation

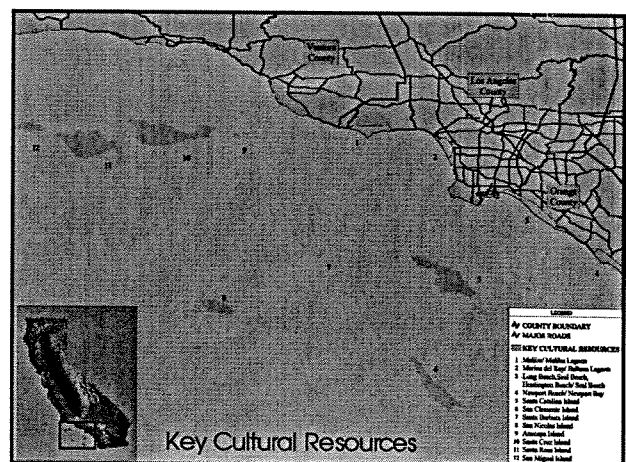


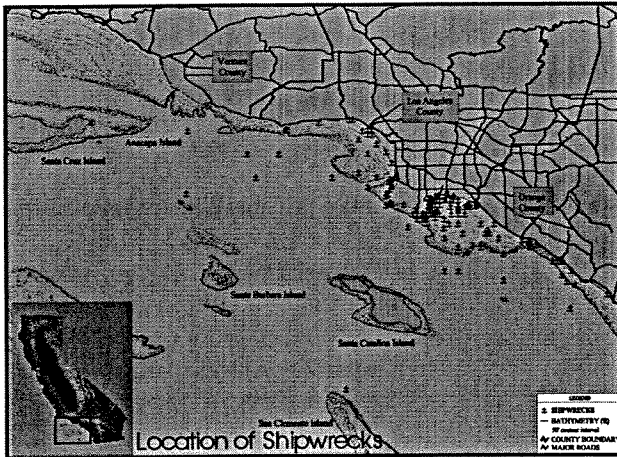
Coastal Cities and Communities LA County



Section 4: Affected Environment

- Air Quality
- Noise
- Cultural Resources
- Socioeconomics





Section 5: Restoration Concept Screening

- ❖ Restoration Project Ideas correlated to general restoration project categories for evaluation
- ❖ Increasing level of detail for project alternatives developed for each level of evaluation
- ❖ LOB evaluation methods to be developed for each of three general project types: bird projects, fish projects, outreach and education

Approach to Final RP

- ❖ Final restoration projects alts will be ranked within each of the three groupings after Tier 2 analysis
- ❖ Recommended alternatives will consist of a 'bundling' of projects across the three groups (ensuring implementation of restoration scenarios providing benefits to widest range of damaged resources at any given time)

Sources of Information For Project Ideas

- ❖ Admin Record
- ❖ Public Workshops
- ❖ Meetings
- ❖ Correspondence with public
- ❖ Other Planning documents (American Trader)

**Section 5: Restoration Concept
Categories, Bald Eagles (pg.5-3)**

- ❖ Cleaner Food Resource Programs
- ❖ Reintroduction/Attraction Programs
- ❖ Artificial Incubation Programs
- ❖ Habitat Enhancement/Restoration Programs

**Section 5: Restoration Concept
Categories, Peregrine falcons (pg.5-4)**

- ❖ Reintroduction/Attraction Programs
- ❖ Habitat Enhancement/Restoration Programs

**Section 5: Restoration Concept
Categories, Seabirds (pg. 5-5)**

- ❖ Reintroduction/Attraction Programs
- ❖ Habitat Protection Programs
- ❖ Habitat Enhancement/Restoration Programs (Channel Islands)
- ❖ Habitat Enhancement/Restoration Programs (Mainland)

**Section 5: Restoration Concept
Categories, Fishing (pg.5-8)**

- ❖ Cleaner Food Resource Programs
- ❖ Artificial Incubation/Hatchery Programs
- ❖ Habitat Enhancement/Restoration Programs
- ❖ Habitat Creation Programs

**Section 5: Restoration Concept
Categories: Multiple Program
Objectives (pg. 5-10)**

- ◆ Outreach and Education Programs
- ◆ Other Multiple Resource Projects

**Section 5: Data Gap Studies
(pg.5-11)**

- ◆ Origin of wintering peregrine falcons through satellite tracking
- ◆ Monitor DDT/PCB in peregrine falcons
- ◆ Determine current concentration of DDT/PCB contaminants in seabird eggs
- ◆ Augment funding of Anacapa Rest. Program funded by American Trader
- ◆ Increase monitoring of brown pelican nesting area closures

**Section 6: Restoration Project
Alternatives**

**Section 7: Implementation of
Restoration Plan**

****Not in PPR****

**Section 9: Consultation and
Coordination**

Section 10: List of Preparers

Section 11: References

Section 12: Appendices

Schedule: Bald Eagle Releases

- ❖ April 29: Meeting with/at SF Zoo re: breeding success, Alaska contingency
- ❖ Mar-Apr 2003: Foster chicks on Catalina
- ❖ May-July 2003: Transport 8-wk old eagles to Santa Cruz
- ❖ June-Sep 2003: Release juveniles on Santa Cruz

Schedule: DDT/PCB Analysis

- ❖ May 2003: FWS lab selection
- ❖ July 2003: Send samples to lab (2001-2003 eggs, blood/fish/pig)
- ❖ Jan 2004: Draft report from lab
- ❖ Apr 2004: Final report from lab
- ❖ May 2004: FWS report to TC

Schedule: MM Carcass Monitoring

- ❖ Apr 2003: IWS receives permit from NMFS
- ❖ May 2003: Initiate carcass surveys
- ❖ Nov 2003: Send mammal samples to lab
- ❖ May 2004: Draft report from lab
- ❖ July 2004: Final report from lab
- ❖ Aug 2004: FWS report to TC

Schedule: Stable Isotope Analysis

- ❖ Apr 2003: FWS lab selection
- ❖ July 2003: Send samples to lab (Catalina eggs, adult blood, zoo eggs)
- ❖ Nov 2003: Draft report from lab
- ❖ Feb 2004: Final report from lab
- ❖ Mar 2004: FWS report to TC

Schedule: Zoo Improvements

- ◆ April 2003: Coop agreement modified
- ◆ April 2003: Zoo to hire architect
- ◆ Late June 2003: Initiate construction on ACC Capital improvements

SB Museum ID

- ◆ Feb 2003: NPS finalized contract
- ◆ Aug 2003: Final report due

Program Schedule: Angler Update

- ◆ May-Sept 2003: Conduct Phase 2 sampling
- ◆ Sept 2003: Draft report to staff
- ◆ Nov 2003: Final report

Program Schedule: Fish Collection/Analysis

- ◆ Apr 2003: Labwork initiated
- ◆ May-June 2003: Supplemental fish collected
- ◆ Aug 2003: Preliminary report from lec
- ◆ Sept 2003: Final report submitted

Program Schedule: O&E

- ◆ May 2003: MSRP logo design
- ◆ June 2003: Final media plan completed
- ◆ June 2003: Workshop notices
- ◆ July 2003: Update fact sheet
- ◆ July 2003: Overhaul of MSRP web page

Program Schedule: O&E

- ❖ Aug 2003: Issue 1st quarterly newsletter
- ❖ Sept 2003: Outline 1-hr program presentation for schools
- ❖ Oct 2003: Dissemination of findings from fish sampling work
- ❖ Nov 2003: O&E recommendations from final angler survey result
- ❖ Dec 2003: Annual report

Schedule: Restoration Plan**

- ❖ April 2003: TC Draft PPR/RP
- ❖ May 2003: TC comments due
- ❖ June 2003: Final PPR
- ❖ June 2003: Inventory LOB Eval Methods
- ❖ June 2003: Complete Tier 1 Evaluations of preliminary restoration projects alts

Schedule: Restoration Plan**

- ❖ July 2003: Workshops on Tier 1 Eval, LOB Methodology
- ❖ May-Aug: Staff/partner meetings on potential projects
- ❖ Aug 2003: Fish analysis report available
- ❖ Sept 2003: Complete Tier 2 evaluations

Schedule: Restoration Plan**

- ❖ Oct 2003: Complete final project rankings
- ❖ Dec 2003: Complete admin draft RP/EIS/R to TC for review
- ❖ Mid Jan 2004: TC meeting on admin draft recommendations/report
- ❖ End Jan 2004: TC comments due on final admin draft RP

Schedule: Restoration Plan**

- ❖ Mid Feb 2004: NOA for Draft RP, document available to the public
- ❖ Mid Mar 2004: Formal public meeting on draft RP
- ❖ Early Apr2004: Close public review
- ❖ End Apr2004: Issue Final RP-NOA for 30 day agency review

Schedule: Restoration Plan**

- ❖ Mid-May 2004: Incorporate agency comments, issue Final RP/EIS/R
- ❖ End May 2004: Execute Fed/State decision documents

Support Needed to Maintain Schedule

Contract extension would cover:

- ❖ Strawman approach for LOB analysis
- ❖ Tier 1 and Tier 2 analysis
- ❖ Incorporate Tier 2 results into GIS database
- ❖ Production of document: text, graphics, printing

Concurrent Staff Activities

- ❖ Inventory of Level of Benefit methodologies
- ❖ Biweekly meetings with contractor
- ❖ Logistics/execution of public workshops
- ❖ Develop project descriptions
- ❖ Tier 1 and Tier 2 analysis

Concurrent Staff Activities

- ❖ Iterative review of all products
- ❖ Develop rankings and recommendations
- ❖ Meetings w/ potential partners
- ❖ Prepare and lead public meetings
- ❖ Issue NOAs, post document on website
- ❖ Provide direction to contractor re public comments

The Fine Print

Disclaimer:

- ❖ The above assumes timely approval of funds for contract extension in the amount of \$125,000.
- ❖ **Failure to provide timely approval of said funds will result in schedule shifts at staff's discretion.

GUIDELINES FOR REIMBURSEMENT OF PAST ASSESSMENT COSTS

ADOPTED BY MONTROSE TRUSTEE COUNCIL

MAY 23, 2001

- cap costs at \$35 million
- pro rate costs among trustees if past costs exceed \$35 million
- include all assessment costs (that is there would be no exclusions of costs based on court rulings)
- exclude prejudgment interest recoverable under CERCLA
- exclude litigation support costs
- use new (and lower) NOAA overhead rates
- include NPS vessel costs

IN ADDITION, the Council agreed that any expenditure in the updated Rubino cost report (March 4, 2000) would be considered a reasonable, reimbursable cost without further examination. Trustees could submit supplemental cost packages.

DAMAGE ASSESSMENT COST CHRONOLOGY

- October, 1994 Rubino expert report documented trustee costs through June 30, 1994 for NOAA, USF&WS, NPS, CDF&G, CSLC.
- March, 2000 Rubino expert report documented costs through the following dates: NOAA - September 30, 1999; Interior - September 30, 1995; California Department of Fish & Game - June 30, 1994; California State Lands Commission - June 30, 1994.
- June 2000, NOAA submits cost package to Rubino for costs through May 2000 (NOAA Supplemental Cost Package) for inclusion in a supplemental report being prepared for trial (unclear if any other trustee submitted additional information to Rubino at this time).
- After case settled, Trustees requested that Rubino conduct a final reconciliation of past costs.
- May 2001 - CDF&G submits complete cost package (rather than

all issues raised in July 2001.

- July 1, 2002 - NOAA GC recommends, and the Trustee Council approves, a partial payment to CDF&G pending final resolution of all trustee costs
- July 30, 2002 - after many oral requests from NOAA to Rubino for NOAA summary spreadsheets to support figures in the Reconciliation Table, NOAA GC sends formal request to Rubino for the documentation
- July 31, 2002 - Rubino states it does not have any spreadsheets for NOAA. NOAA decides to review its own spreadsheets against earlier Rubino reports (plus inclusion of its June 2000 Supplemental Cost Package for costs from October 1, 1999 through April 17, 2000) to determine its final past damage assessment costs.
- August 2002 - USF&WS decides to submit completely new cost package, foregoing reliance on any previous Rubino reports.
- Early November 2002 - USF&WS submits new package to NOAA (by this time, only NOAA and F&WS have representatives on Montrose Cost Committee).

PAST COST DISTRIBUTION STATUS

1. California Department of Fish & Game

Past Damage Assessment Costs:	\$598,251.40
6/94 payment	\$200,000.00
10/02 payment	\$353,685.00
Balance	44,566.40

2. California State Lands Commission¹

Past Damage Assessment Costs:	\$17,300.21
10/02 payment	\$17,300.21
Balance	\$ 0

¹The California State Lands Commission relied on the past cost figure calculated by Rubino in the Reconciliation Report.

5. California Department of Parks & Recreation

The Department of Parks & Recreation did not submit any cost documentation for the case.

TOTAL PAST DAMAGE ASSESSMENT COSTS³ \$36,301,137.61

³This figure will be slightly revised based on minor changes related to NOAA's Supplemental Cost Package.

GUIDELINES FOR REIMBURSEMENT OF PAST ASSESSMENT COSTS

ADOPTED BY MONTROSE TRUSTEE COUNCIL

MAY 23, 2001

- cap costs at \$35 million
- pro rate costs among trustees if past costs exceed \$35 million
- include all assessment costs (that is there would be no exclusions of costs based on court rulings)
- exclude prejudgment interest recoverable under CERCLA
- exclude litigation support costs
- use new (and lower) NOAA overhead rates
- include NPS vessel costs

IN ADDITION, the Council agreed that any expenditure in the updated Rubino cost report (March 4, 2000) would be considered a reasonable, reimbursable cost without further examination. Trustees could submit supplemental cost packages.

MONTROSE COST COMMITTEE

- established by Montrose Trustee Council
- originally composed of a representative of F&WS, NPS & NOAA (no state trustee volunteered for committee)
- responsible for reviewing supplemental costs packages related to past, unreimbursed assessment costs
- responsible for reviewing cost packages related to implementation of restoration

DAMAGE ASSESSMENT COST CHRONOLOGY

- October, 1994 Rubino expert report documented trustee costs through June 30, 1994 for NOAA, USF&WS, NPS, CDF&G, CSLC.
- March, 2000 Rubino expert report documented costs through the following dates: NOAA - September 30, 1999; Interior - September 30, 1995; California Department of Fish & Game - June 30, 1994; California State Lands Commission - June 30, 1994.
- June 2000, NOAA submits cost package to Rubino for costs through May 2000 (NOAA Supplemental Cost Package) for inclusion in a supplemental report being prepared for trial (unclear if any other trustee submitted additional information to Rubino at this time).
- After case settled, Trustees requested that Rubino conduct a final reconciliation of past costs.
- May 2001 - CDF&G submits complete cost package (rather than

relying on any previous Rubino reports) to Montrose Cost Committee.

- July 2001 - NOAA GC provides report to Montrose Cost Committee on CDF&G's cost package and seeks additional information on some items.
- January 2002, Rubino submits Reconciliation Table and summary spreadsheets for DOI, CDF&G and CSLC (no spreadsheets for NOAA). NOAA GC reviews Table.
- January 31, 2002 - NOAA GC submits a memorandum "Review of Rubino Cost Reconciliation Table" to Montrose Cost Committee raising issues related to the Table.
- February - April, 2002 - NOAA GC and F&WS work on issues related to F&WS costs. NOAA continues to wait for Rubino spreadsheets related to Reconciliation Table.
- April 15, 2002 - NOAA GC recommends, and Trustee Council approves, a partial payment for Interior pending resolution of cost accounting issues.
- May 2002 - CDF&G submits revised cost package that resolves

all issues raised in July 2001.

- July 1, 2002 - NOAA GC recommends, and the Trustee Council approves, a partial payment to CDF&G pending final resolution of all trustee costs
- July 30, 2002 - after many oral requests from NOAA to Rubino for NOAA summary spreadsheets to support figures in the Reconciliation Table, NOAA GC sends formal request to Rubino for the documentation
- July 31, 2002 - Rubino states it does not have any spreadsheets for NOAA. NOAA decides to review its own spreadsheets against earlier Rubino reports (plus inclusion of its June 2000 Supplemental Cost Package for costs from October 1, 1999 through April 17, 2000) to determine its final past damage assessment costs.
- August 2002 - USF&WS decides to submit completely new cost package, foregoing reliance on any previous Rubino reports.
- Early November 2002 - USF&WS submits new package to NOAA (by this time, only NOAA and F&WS have representatives on Montrose Cost Committee).

- Mid-February 2003 - NOAA completes internal review of its costs and prepares a final number.
- February 13, 2003 - NOAA GC seeks additional information from F&WS on some items related to its 2002 cost package.
- March 28, 2003, NOAA GC receives F&WS response to questions raised. F&WS requests review of NOAA's June 2000 Supplemental Cost Package.
- April 2003 - NOAA GC reviews NOAA's June 2000 Supplemental Cost Package and requests new spreadsheets to reflect minor changes in expenditures and several invoices.

PAST COST DISTRIBUTION STATUS

1. California Department of Fish & Game

Past Damage Assessment Costs:	\$598,251.40
6/94 payment	\$200,000.00
10/02 payment	\$353,685.00
Balance	44,566.40

2. California State Lands Commission¹

Past Damage Assessment Costs:	\$17,300.21
10/02 payment	\$17,300.21
Balance	\$ 0

¹The California State Lands Commission relied on the past cost figure calculated by Rubino in the Reconciliation Report.

3. U.S. Department of the Interior

Past Damage Assessment Costs: \$4,752,095.00²

1/93 payment \$533,000.00

6/94 payment \$667,000.00

10/02 payment \$910,345.00

Balance \$2,641,570.00

4. National Oceanic & Atmospheric Administration

Past Damage Assessment Costs: \$30,933,491.00 (est.)

1/99 payment \$1,000,000.00

10/02 payment \$5,000,000.00

Balance \$24,933,491.00 (est.)

²This figure includes \$4004.96 for the Office of Environmental Policy & Compliance; \$75,698.79 for the Office of the Solicitor; \$92,945.68 for the National Park Service. The U.S. Park Service, the Office of Environmental Policy & Compliance and the Office of the Solicitor relied on the past cost figure calculated by Rubino in the Reconciliation Table.

5. California Department of Parks & Recreation

The Department of Parks & Recreation did not submit any cost documentation for the case.

TOTAL PAST DAMAGE ASSESSMENT COSTS³	\$36,301,137.61
---	------------------------

³This figure will be slightly revised based on minor changes related to NOAA's Supplemental Cost Package.